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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,586	11/26/2001	Jennifer French	40125/264743	3623
23370	7590	05/31/2006	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,586	FRENCH ET AL.	
	Examiner	Art Unit	
	Hosuk Song	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/10/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-58 and 61-69 is/are rejected.
- 7) ☒ Claim(s) 59-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09994586</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 11/10/05 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 39-41,46-52,54-58,62-63,66,68 are rejected under 35 U.S.C. 102(b) as being anticipated by Payne et al(US 5,715,314).

Claim 39,41: Payne discloses receiving a first type of information from the user, wherein the first type of information is wallet type information in (fig.2D). Payne disclose formulating and presenting to the user, in real time, a query based on the first type of information received and upon information located in a credit file, the credit file containing credit-related information from a plurality of the user's creditor's in (fig.2E). Payne discloses receiving a response to the query from the user in real time in (fig.2E,#77). Payne disclose comparing the response to information in the user's credit file, in real time, to authenticate the user's identity and allowing the user to access a predetermined transaction in real time, only if the user's identity is authenticated in (fig.2E,2F).

Claim 40: Payne discloses indicating to the user acceptance of first type of information and response provided by the user in (fig.2D).

Claims 46-47: Payne discloses user provides the first type of information and the response from a platform located remotely from the credit file in (fig.2D;col.8,lines 38-53).

Claim 48: Payne discloses predetermined transaction is provided by a party other than the credit file's owner in (fig.2E and col.7,lines 14-31).

Claim 49: Payne discloses sequential execution in(fig.2D).

Claims 50-51: Payne discloses verifying first type of information received in (col.6,lines 43-59).

Claim 52: Payne disclose preprocessing at least some information from the first type of information for reliability,including performing at least one task selected from the group of tasks consisting of (1) checking format of the at least some information;(2) comparing the at least one some of the information against a record of known data and (3) ensuring that the at least some information is present in the record of known data in (fig.2B).

Claims 54- 56: Payne disclose retrieving the user's information from the credit file and determining a level of correspondence between the response received and user's information retrieved from the credit file in (fig.2G).

Claims 57-58: Payne disclose identity of the user is authenticated based on at least one of the following: a level of correspondence determined between the first type of information received and user identification information retrieved from a data source, and an evaluation in (col.9,lines 10-18).

Claim 62: Payne discloses performing a fraud check to detect a fraudulent attempt to authenticate by the user in (fig.col.5,lines 57-62;col.6,lines 1-4).

Claim 63: Payne disclose receiving the first type of information and formulating and presenting, in real time, a query based on the first type of information and the user's information retrieved from a credit file, the credit file containing credit-related information originating a plurality of the end-user's

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creditors in (fig.2G). Payne disclose receiving a response in real time and comparing the response in real time to information in the credit file and providing an indication about the end user's identity in real time in (fig.2F).

Claim 66: Payne discloses an input interface for receiving interactive input from the user in (fig.2E). Payne discloses a credit database containing at least one credit file about the user, the credit file containing information originating from a plurality of the user's creditors in (Fig.2F). Payne discloses a processor connected to the input interface and configured to receive a first type of information from the user, wherein the first type of information is wallet type information in (col.3,lines 38-56). Payne disclose formulate and present to the user, in real time, a query based on the first type of information received;receive a response from the user in real time and compare the response with information in the credit database and provide an indication about the user's identity in (fig.2G).

Claim 68: Payne disclose retrieve the user's information from the credit database; compare the first type of information with the user's information retrieved from the credit database and determine a level of correspondence between the first type of information and the user's information retrieved from the credit database in (fig.2D,E,F,G).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-45,53,61,64-65,67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al(5,715,314).

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Claims 42-45,64-65,67: Payne does not specifically disclose plurality of queries are presented in a single display to the user. Official notice is taken that plurality of queries are presented in a single display to the user is well known in the art. One of ordinary skill in the art would have been motivated to employ plurality of queries in order to filter out intruders from breaking into the system thus adding extra layers of security. Further multiple choice format query is well known in the art. One of ordinary skill in the art would have been motivated to employ multiple choice format in order to provide a user friendly environment where authorized user can easily remember ID information based on choices given.

Claim 53: Official notice is taken that issuance of a digital certificate is well known in the art. One of ordinary skill in the art would have been motivated to employ or issue digital certificate in order to properly authenticate identity of the certificate as well as holder of the certificate.

Claim 61: Official notice is taken that pattern recognition is well known in the art. One of ordinary skill in the art would have been motivated to employ pattern recognition in order to filter out against repeated attacks by the intruders.

3. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al(5,715,314) in view of O'Neil et al.(US 5,987,440).

Claim 69: Payne does not specifically disclose a biometric data input device connected to the processor, wherein the biometric data input device is capable of receiving biometric data from the user. O'Neil's patent disclose biometric input from the user in (col.8,lines 41-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ biometric scheme as taught in O'Neil with network sales system of Payne because biometric scheme is stable and not susceptible to being forgotten.

Allowable Subject Matter

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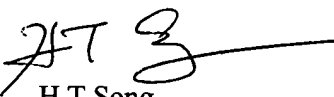
4. Claims 59-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


H.T Song
Primary Examiner
Art Unit 2135